

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF NEW YORK

SECURITIES AND EXCHANGE  
COMMISSION,

Plaintiff,

-against-

RICHARD XIA, a/k/a YI XIA; and  
FLEET NEW YORK METROPOLITAN REGIONAL  
CENTER, LLC, f/k/a FEDERAL NEW YORK  
METROPOLITAN REGIONAL CENTER, LLC;

Defendants,

-and-

JULIA YUE, a/k/a JIQING YUE, XI VERFENSTEIN,  
and XINMING YU,

Relief Defendants.

21 Civ. 5350 (PKC)

**[PROPOSED] ORDER APPROVING THE MONITOR'S  
MOTION FOR APPROVAL OF RELEASE OF  
NON-INVESTOR, INTEREST RESERVE FUNDS**

Upon the Motion for Approval of Release of Non-Investor, Interest Reserve Funds (the “Motion”) of M. Scott Peeler, Court-appointed monitor (the “Monitor”), for entry of an order, (i) authorizing Emerald Creek Capital 3, LLC (“Emerald Creek”) to immediately release escrowed Interest Reserve funds from its Reserve Account, deposited in furtherance of the August 31, 2021 Loan Agreement between Emerald Creek and X&Y Development Group (“X&Y”), in the amount of \$878,020.83 for payment of the interest due to Emerald Creek under the Loan Agreement for the eleven-month period of October 1, 2021 through August 31, 2022, and (ii) authorizing Emerald Creek to release the Remaining Balance of \$727,312.49 in 12 monthly (from September 1, 2022

through August 30, 2023) installments of \$101,654.17 from the Reserve Account to satisfy the Non-Default Interest due over the Remaining Term, or as such monthly amounts are modified by LIBOR changes, until the Interest Reserve is depleted.

**NOW, THEREFORE**, based upon the Motion and all of the proceedings before this Court, and after due deliberation and sufficient cause appearing therefor, and no objection to the Application having been raised, it is hereby:

**ORDERED** that the Monitor's Motion authorizing Emerald Creek to immediately release escrowed funds from its Reserve Account in the amount of \$878,020.83 for payment of the interest due to Emerald Creek under the Loan Agreement for the eleven-month period of October 1, 2021 through August 31, 2022 is granted in its entirety; and it is further

**ORDERED** that the Monitor's Motion authorizing Emerald Creek to release the Remaining Balance of \$727,312.49 in 12 monthly (from September 1, 2022 through August 30, 2023) installments of \$101,654.17 from the Reserve Account to satisfy the Non-Default Interest due over the Remaining Term, or as such monthly amounts are modified by LIBOR changes, until the Interest Reserve is depleted is granted in its entirety; and it is further

**ORDERED** that Emerald Creek shall provide documentary proof of the foregoing payments, as applicable, to the Court, SEC, the Monitor, and Defendants within five (5) days of making such payment(s), is granted in its entirety.

**ORDERED** that the Court shall retain jurisdiction to hear and determine all matters arising from the implementation of this Order.

**SO ORDERED**, this \_\_\_\_ day \_\_\_\_\_, 2022.

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Pamela K. Chen  
United States District Court Judge